

**REMARKS**

In the Office Action mailed on August 23, 2006, the Examiner rejected claims 127-202 under 35 U.S.C. § 103(a) as being unpatentable over “Electronic Funds Transfer Project, Final Report, Washington State, 1994” (hereafter, “Washington State EFTP”). By this Amendment, Applicant has amended claims 127, 135, 143, 144, 145, 154, 163, 164, 165, 174, 183, 184, 185, 193, 201 and 202 to clarify aspects of the invention. Claims 127-202 remain pending.

Regarding claims 127, 135, 143, 144, 145, 154, 163, and 164, the Examiner agreed that Washington State EFTP does not teach “that an accumulator agency, bank and state are separate entities.” 8/23/2006 Office Action, p. 3. However, the Examiner stated that this distinction was recited only in the preamble of claims 127, 135, 143, 144, 145, 154, 163, and 164 and therefore was not given patentable weight. Applicant respectfully traverses these rejections at least because “[a]ny terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation.” M.P.E.P. § 2111.02. Applicant maintains that the recitations of the preambles of claims 127, 135, 143, 144, 145, 154, 163, and 164 are not “mere statements of purpose or use” but should be given full patentable weight because they define the structure of the claimed invention.

However, in order to advance prosecution in this application, Applicant has amended independent claims 127, 135, 143, 144, 145, 154, 163, and 164 to recite “the bank” and “the state” in both the preamble and the body of each claim and to move the phrase “wherein the accumulator agency, the bank, and the state are separate entities”

to the body of the claims. In a telephone interview on October 3, 2006, the Examiner stated that these amendments should overcome the claim rejections and place amended claims 127, 135, 143, 144, 145, 154, 163, and 164, and their dependent claims, in condition for allowance.

Regarding independent claims 165, 174, 183, 184, 185, 193, 201, and 202, the Examiner took Official Notice of “terminating a payment upon an obligation being fulfilled [as] old and well known in the financial arts.” 8/23/2006 Office Action, p. 4. Without acquiescing to the Examiner’s alleged Official Notice, Applicant notes that claims 165, 174, 183, 184, 185, 193, 201, and 202 recite an accumulator agency, a bank, and a state that are separate entities. As the Examiner admitted in the Office Action, Washington State EFTP does not teach or suggest “that an accumulator agency, bank and state are separate entities.” 8/23/2006 Office Action, p. 3. Therefore, claims 165, 174, 183, 184, 185, 193, 201, and 202, and the claims that depend therefrom, are nonobvious at least by virtue of this recitation.


Pursuant to the telephone interview of October 3, 2006, Applicant has amended claims 165, 174, 183, 184, 185, 193, 201, and 202 to recite “the bank” and “the state” in both the preamble and the body of each claim and to move the phrase “wherein the accumulator agency, the bank, and the state are separate entities” to the body of the claims in order to address the objections raised by the Examiner regarding claims 127, 135, 143, 144, 145, 154, 163, and 164. Accordingly, as the Examiner agreed in the telephone interview, amended claims 165, 174, 183, 184, 185, 193, 201, and 202, and the claims that depend therefrom, should be in condition for allowance.

In view of these amendments and remarks, Applicant requests the reconsideration and timely allowance of pending claims 127-202. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 21, 2006

By:   
Erika H. Arner  
Reg. No. 57,540